

REMARKS

The Office Action mailed December 15, 2006 has been reviewed and carefully considered. Claims 12-18 and 20 are presently pending. The Examiner rejects claims 12-18 and 20 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner rejects claims 12-18 and 20 under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 12-18 and 20 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 12, 18 and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Tsuchida I (U.S. Pat. No. 6,026,394). Claims 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuchida I in view of Tsuchida II (U.S. Pat. No. 6,567,806). Claims 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuchida I in view of Tsuchida II and in further view of Stolfo (U.S. Pat. No. 4,860,201).

The Examiner has rejected claims 12-18 and 20 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, because the term “substantially” in independent claim 12 is purportedly not supported by the specification. The term “substantially” is not itself indefinite. MPEP § 2173.05(b). Thus, in view of Applicants’ disclosure at, for example, ¶¶ 27-30 and 37, it is respectfully submitted that one of ordinary skill in the art would readily understand what is meant by “every respective search node in one of the columns of search nodes include substantially the same partition-dependent data set,” as recited in claim 12 and that this rejection should be withdrawn.

Additionally, the Examiner has rejected claims 12-18 and 20 under 35 U.S.C. § 112, second paragraph, as being indefinite because claim 12 recites “the search

nodes are logically arranged in a table comprising a plurality of columns and a plurality of rows.” The Examiner is confused by the term “table,” which the Examiner interprets as a database table. It is respectfully submitted, however, that the language of claim 12 is clear and readily understandable to those of skill in the art. That is, the “table” comprises rows and columns of the search nodes which include searchable partition-dependent data sets. It is unclear why the Examiner interprets the table to be a database table when the term “database” is not used in the specification. Thus, Applicants submit that the term “table” is not indefinite and request that this rejection be withdrawn.

The Examiner rejects claim 20, separately, under 35 U.S.C. § 112, second paragraph for failure to provide antecedent basis for a claim term. In view of the above amendment, it is respectfully requested that this rejection be withdrawn.

The Examiner next rejects claims 12-18 and 20 under 35 U.S.C. § 101 as being directed to non-statutory subject matter for failing to produce a tangible result. Applicants, however, have previously amended claim 12 to recite “the search nodes are logically arranged in a table *and stored in a computerized memory.*” (emphasis added). It is respectfully submitted that storage in a computerized memory is the production of a tangible result. In the previous Office Action mailed 6/20/06, the Examiner recited the Interim Guidelines for Examination of Patent Applications as stating “[w]hen functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.” Thus, Applicants respectfully submit that the claims as written comply with 35 U.S.C. § 101 and, as such, this rejection should be withdrawn.

The Examiner rejects claims 12, 18 and 20 under 35 U.S.C. § 102(e) as being anticipated by Tsuchida I.

Initially, it is noted that Tsuchida II (6,567,806) is a continuation of Tsuchida I (6,026,394), and both patents are continuations of Application No. 08/180,674. Thus, the specifications of both patents should, as a matter of law, contain the same subject matter. *See* MPEP § 201.07 (“The disclosure presented in the continuation must be the same as that of the original application; i.e., the continuation should not include anything which would constitute new matter if inserted in the original application.”). Applicants note this relationship, because the Examiner previously relied on Tsuchida II to reject the pending claims of the instant application. *See* Final Office Action dated 11/1/04. However, the rejection based on Tsuchida II was not continued after the Examiner re-opened prosecution in view of Applicants’ Appeal Brief of 11/28/05, and the only amendment since the Appeal Brief has been the addition of “and stored in a computerized memory” to claim 12. Thus, it is respectfully submitted that the rejection based on Tsuchida II was previously overcome. Because Tsuchida I necessarily contains the same subject matter as Tsuchida II, it is respectfully submitted that the pending claims are allowable over Tsuchida I for the same reasons as stated with reference to Tsuchida II in Applicants’ Appeal Brief. Appeal Brief dated 11/28/05, at 15-16.

If the Examiner maintains reliance on Tsuchida I to reject claims 12, 18 and 20, it is respectfully submitted that Tsuchida I neither teaches nor suggests at least “the search nodes are logically arranged in a table and stored in a computerized memory, the table comprising a plurality of columns and a plurality of a rows, each search node in

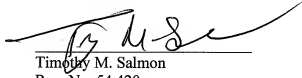
one of the rows of search nodes including a distinct partition-dependent data set so that a sum of the data sets of all the search nodes in a row yields the collection of documents, and every respective search node in one of the columns of search nodes include substantially the same partition-dependent data set.”

Tsuchida I discusses a database management system which, as shown in Fig. 3, includes distribution nodes 1-4 and 5-9, join nodes 9-11 and a decision management node 12. The nodes in the database management system are arranged in a hierarchy, such that the distribution nodes 1-4 and 5-9 are disposed along a single level thereof. Fig. 6 also depicts an architecture in which nodes 1-10 are disposed along a single level of a hierarchy. Thus, the distribution nodes are not “logically arranged in a table and stored in a computerized memory, the table comprising *a plurality of columns* and a plurality of a rows,” as recited in claim 12. Because there is no discussion of columns of search nodes, Tsuchida I neither teaches nor suggests “every respective search node in one of the columns of search nodes include substantially the same partition-dependent data set.”

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over the prior art of record. Given Applicants’ positions on the patentability of the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections and objections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the Examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

Respectfully submitted,



Dated: March 14, 2007

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SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE EFS
FILING SYSTEM ON MARCH 14, 2007

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